

REMARKS

Claims 1-5 were previously pending in the application. Claim 6 has been added to further clarify that which applicant submits is already part of claims 1-5, i.e., that while the preamble gives life to the claims, the user computer is not a component of the claimed system but rather simply provides an input received into the system. No other claim elements or subject matter has been added to claim 6, except for adding the further narrowing element of having a traffic management parameter corresponding to a purchased search term (for support see, e.g., specification at p. 8, lines 1-15).

Claims 1-5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over AltaVista (having an Apparent date of August 15, 2000) in view of Sugiura et al. article (having a publication date of "2000"). Reconsideration of the rejection in light of the claims as currently amended is respectfully requested.

Respectfully, Applicant submits that the present application was originally filed as and is supported by a provisional patent application which was filed on December 21, 2000 (see, e.g., Specification at p. 1, lines 4-6). The Sugiura reference (unlike the Examiner's research into "Wayback" for the AltaVista reference) lacks support to a specific date within 2000, and thus its effective prior art date must be the last date within the cited range, i.e., December 31, 2000. Thus, Sugiura is not prior art to the present application, and thus the rejection which is based upon Sugiura as a secondary reference cannot be sustained. In the event that the Examiner disagrees, the Applicant respectfully requests leave to submit more particular information under 37 CFR §1.131 in order to come forth with evidence showing that the actual date of invention predates the December 21, 2000 filing upon which Applicant presently relies (indeed, the conception date of the present invention

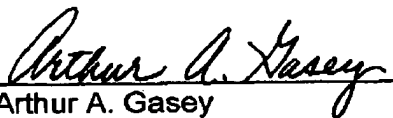
may predate the August, 2000 date referenced in the AltaVista compilation relied upon by the Examiner).

As a separate, additional basis for overcoming the present rejection, Applicant respectfully submits that even if the currently cited references were prior art (which at least Sugiura is not), a person of skill would not combine such references in order to come up with the claimed invention. Indeed, the references themselves teach away from their combination. Specifically, Sugiura eschews the use of general purpose search engines, including specifically Yahoo! and AltaVista. (Sugiura at 417). Rather, Sugiura suggests, at most, AltaVista to refer searches to information providers based upon terms bid upon by such information providers.

In view of the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and allowance of the pending claims. The Commissioner is hereby authorized to charge any fees with respect to this communication to Deposit Account No. 14-1131.

Respectfully submitted,

Dated: September 23, 2009


Arthur A. Gasey
Registration No. 35,150
Attorney for Applicants

NIRO, SCAVONE, HALLER & NIRO
181 West Madison Street, Suite 4600
Chicago, Illinois 60602
(312) 236-0733